

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TIMOTHY BARR,)
Petitioner,)
v.) No. 4:18-cv-1004-NCC
EILEEN RAMEY,)
Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court on petitioner Timothy Barr's petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254. The petition is successive, and shall be summarily dismissed.

Procedural Background

On May 12, 1997, a jury in the Circuit Court of St. Louis County, Missouri, found petitioner guilty of first-degree murder, three counts of first-degree assault, and four counts of armed criminal action. Petitioner sought direct review and post-conviction relief in state court. On October 25, 2000, he filed a petition for writ of habeas corpus in this Court, pursuant to 28 U.S.C. § 2254. *Barr v. Luebbers*, No. 4:00-cv-1706-RWS (E.D. Mo. Oct. 25, 2000) (hereafter *Barr I*). On March 12, 2004, petitioner's petition was denied on its merits, and dismissed. Petitioner appealed, but on April 20, 2005, Court of Appeals for the Eighth Circuit dismissed the appeal on jurisdictional and procedural grounds.

On June 18, 2018, petitioner filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, seeking to challenge the same May 12, 1997 convictions and sentences he challenged in *Barr I*.

Discussion

Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts provides that a district court shall summarily dismiss a § 2254 petition if it plainly appears that the petitioner is not entitled to relief. Petitioner has already sought and been denied § 2254 relief concerning the underlying convictions and sentences, and his current claims for relief were brought, or could have been brought, in that case. To the extent that petitioner seeks to re-litigate claims that he brought in his original petition, those claims must be denied pursuant to 28 U.S.C. § 2244(b)(1). To the extent that petitioner seeks to bring new claims for habeas relief, petitioner must obtain leave from the United States Court of Appeals for the Eighth Circuit before he can bring those claims in this Court. 28 U.S.C. § 2244(b)(3)(A). Petitioner has not been granted leave to file a successive habeas petition in this Court. Therefore, the petition shall be dismissed.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to proceed *in forma pauperis* (Docket No. 2) is **GRANTED**.

IT IS FURTHER ORDERED that petitioner's petition for writ of habeas corpus is **DENIED AND DISMISSED**. A separate Order of Dismissal shall accompany this Memorandum and Order.

IT IS FURTHER ORDERED that all remaining motions are **DENIED** as moot.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

Dated this 21st day of June, 2018.


RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE